

FREDERICK COUNTY PLANNING COMMISSION

June 8, 2011

TITLE: **Sheetz Convenience Store**

FILE NUMBER: **SP 02-20 (AP# 11706, APFO # 11673
& FRO #11707)**

REQUEST: **Site Plan**

Requesting site plan approval to construct a 5,686 square foot convenience store and gasoline dispensing pumps. The plan proposes to remove the existing used car facility located on the site.

PROJECT INFORMATION:

LOCATION: Located in the northwest quadrant of MD 85 and Francis Scott Key Drive (MD 85-B).
ZONE: Zoned: GC (General Commercial)
REGION: Frederick
WATER/SEWER: W-3, S-1.
COMP. PLAN/LAND USE: Commercial

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT: Sheetz, Inc.
OWNER: Adcock Holdings, LLC
ENGINEER: Fox & Associates, Inc.
ARCHITECT: Not Listed
ATTORNEY: Rand Weinberg, Esq.

STAFF: Tolson DeSa, Principal Planner

RECOMMENDATION: Conditional Approval

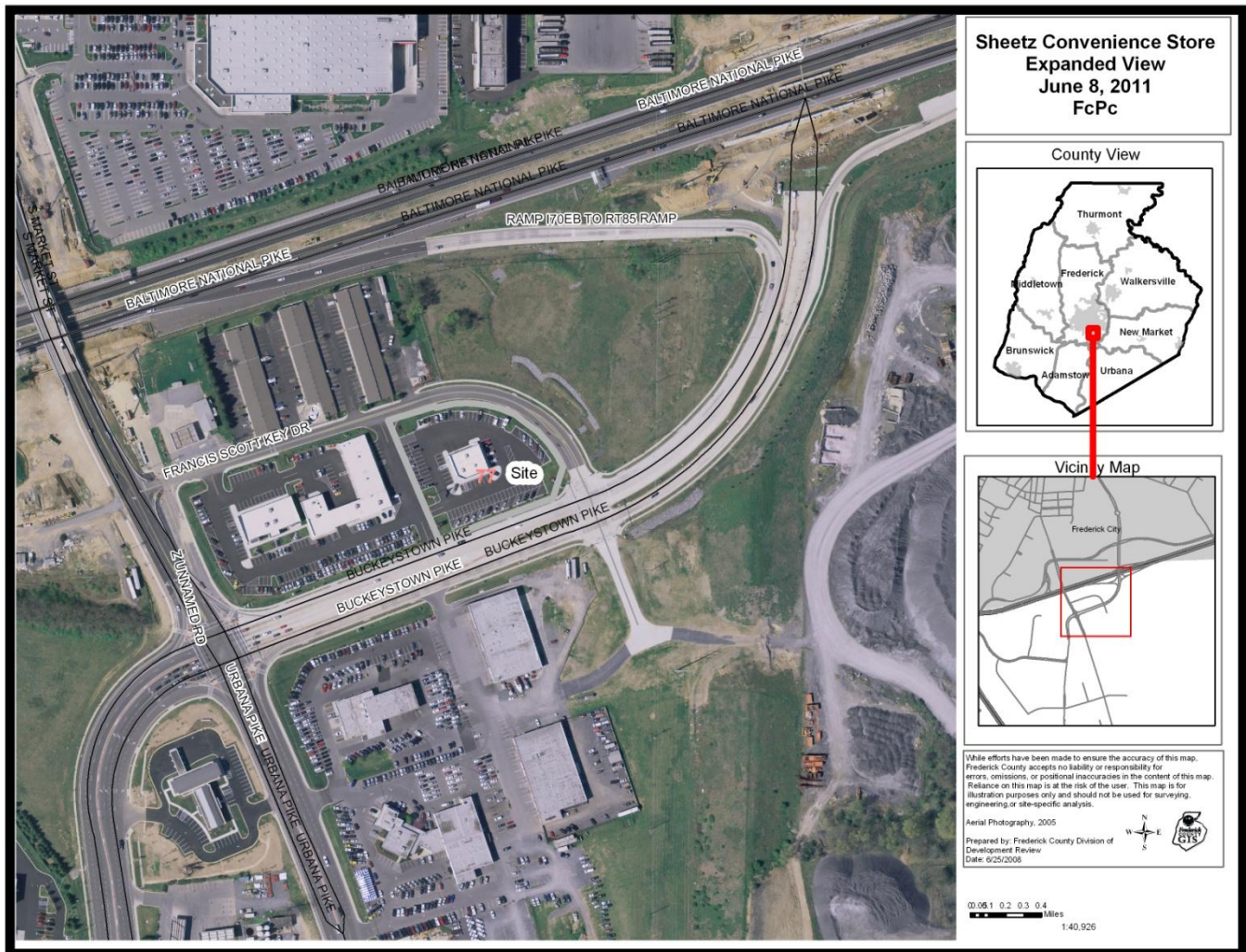
Enclosures:

Exhibit #1-Site Plan Rendering
Exhibit #2-Landscaping Zoning Ordinance Modification Justification
Exhibit #3- Parking Space Zoning Ordinance Modification Justification
Exhibit #4- Lighting Height Zoning Ordinance Modification Justification

STAFF REPORT

BACKGROUND

Requesting site plan approval to construct a 5,686 square foot convenience store and gasoline dispensing pumps. The plan proposes to remove the existing used car facility located on the site.



Past Approvals:

The subject parcel was originally part of the Genstar Quarry. This parcel was created when the State Highway Administration (SHA) extended MD 85 from MD 355 to East Street Extended as part of the I-70 project, Phase 2A. The owner received this parcel as part of a real estate settlement reached with SHA for the extension of MD 85.

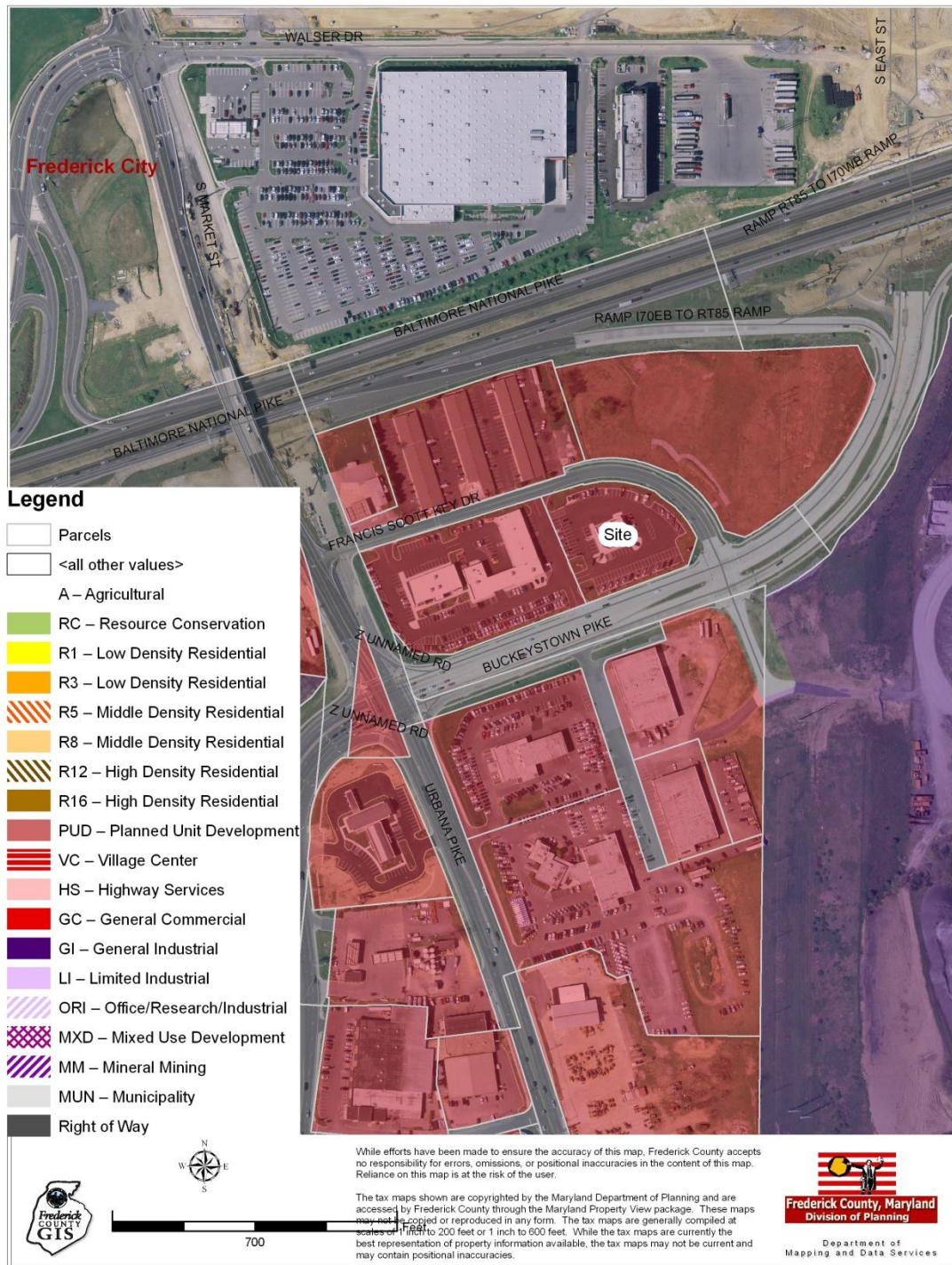
On February 9, 2005 the Applicant received conditional approval to construct a 4,088 square foot pre-owned automotive sales facility on this parcel.

The building was constructed and is currently operating. This present plan proposes to demolish the pre-owned sales facility for a Sheetz convenience store.

ANALYSIS

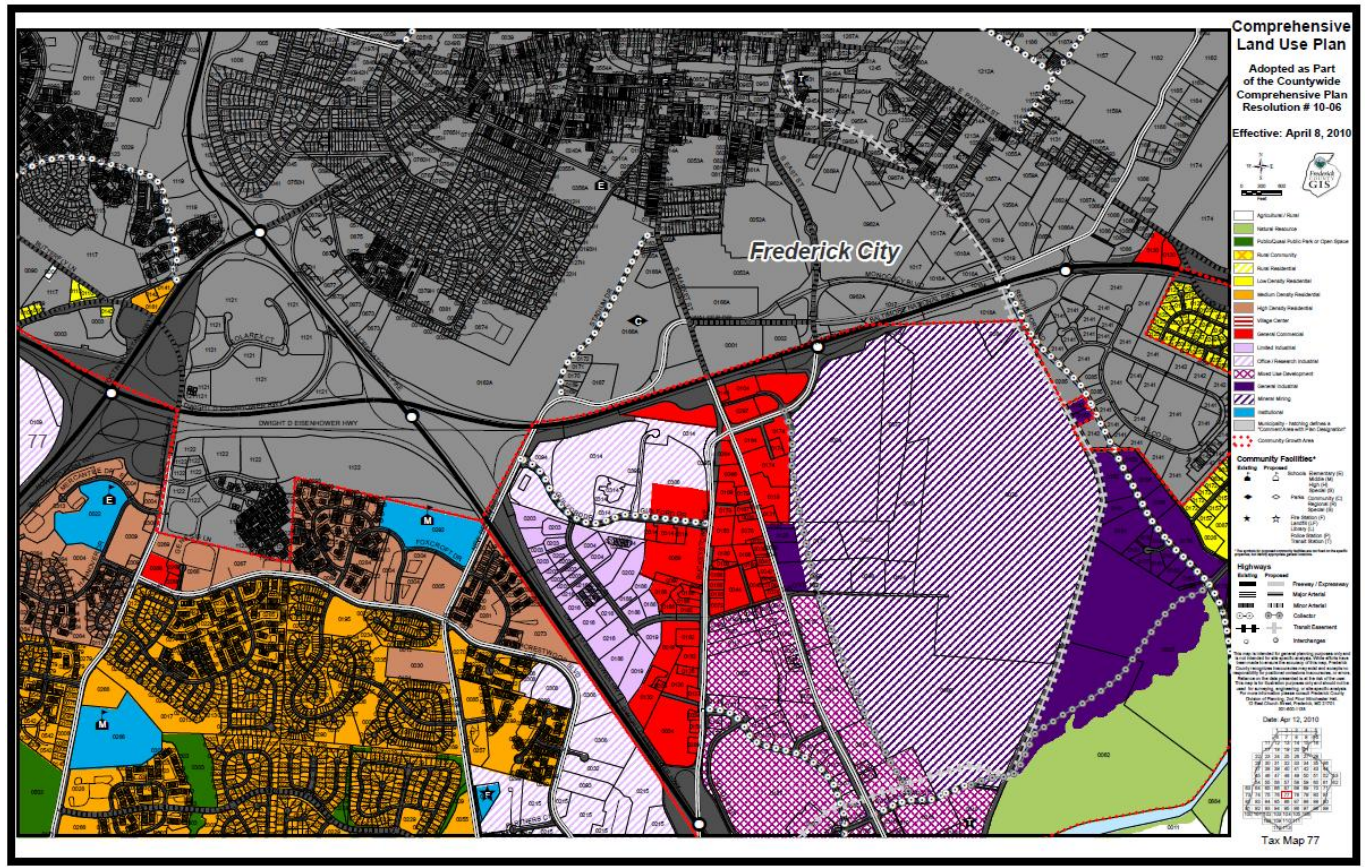
Land Use: The proposed use is being reviewed as a “Convenience Store & Gasoline dispensing pumps” under Commercial Uses, Automobile and Related Services per §1-19-5.31 in the Zoning Ordinance and is a principal permitted use in the GC Zoning District subject to site development plan approval.

Zoning: The site is located within the General Commercial (GC) Zoning District, shown in red.



Frederick County Comprehensive Plan: Frederick Region

The Frederick County Comprehensive Plan indicates that the land use for the proposed Sheetz Convenience Store is General Commercial, shown in red above. The use proposed for Sheetz store complies with the Land Use designation within the County Comprehensive Plan.



Dimensional Requirements/Bulk Standards: Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements are 25-foot front yard and 25-foot rear yard, with 8-foot side. The maximum height allowed is 60 feet. The minimum lot size for the zoning district is 12,000 square feet. The proposed plan meets the required Bulk/Dimensional requirements.

Access/Circulation: This site utilizes two (2) shared access points with an existing new automotive dealership to the west. These entrances were originally constructed by the State Highway Administration (SHA) as part of an agreement relating to the extension of MD 85. The entrance along Francis Scott Key (FSK) Drive was built as a full movement access point and will now primarily serve the Sheetz store, with access to the new car dealership being gated. A right-in/right-out entrance was designed for the MD 85 access point. The access points have not changed from the original 2005 FCPC approval.

The Applicant has provided a Common Access & Maintenance Easement (L. 5342, F 155) at the two (2) access points, as shown with striping.

Public Transit: This site is not well served by Transit. The #20 – Francis Scott Key Mall Connector passes close by on MD 355 but the closest scheduled stop is on Market Street, across I-70 at Noland.

Parking: Pursuant to §1-19-6.220 of the Zoning Ordinance, 1 space is required for every 300 square feet of floor area. Therefore, 5,868 square feet of office floor area requires 19 spaces. Total parking spaces required are 19; the applicant is proposing 38, including 2 ADA accessible spaces.

The Applicant is requesting a parking space modification to allow the number of parking spaces provided to exceed the maximum allowed for the use. The Applicant has submitted a parking space modification justification request, which is attached as Exhibit #3.

The Applicant states that Sheetz is familiar with the traffic and parking demand of their stores. The Applicant has identified that a store of this size requires 38 parking spaces in order to meet the typical brief customer visit of 5 to 15 minutes, as quick stops on the way to work. The additional parking provides flexibility for parking space options to prevent backups and delays that may impede on-site traffic. Staff supports this modification request.

Loading Area: The required size and number of loading spaces are provided in §1-19-6.21 of the Zoning Ordinance. Under §1-19-6.21, the Applicant has to provide one small loading space.

The Applicant has shown 1-small (9'x20') loading space to the rear of the principal structure on the site.

Landscaping: A landscape plan has been submitted as part of the site plan. The landscaping is designed with a variety of plant species, which are arranged to provide screening as well as aesthetics.

The Applicant is requesting a modification of §1-19-6.400.A (Exhibit #2), Street tree requirement. The Applicant has proposed to relocate the seven required street trees from the MD 85 frontage to the FSK Drive frontage, so that the landscaping will not overhang the MD 85 right-of-way. The Applicant has provided 10 street trees along FSK Drive that are required street trees for this roadway frontage, including the seven transplanted trees from the MD 85 frontage.

The Applicant has worked with Staff in order to provide a majority of evergreen tree species, rather than deciduous species in order to reduce the amount of potential bird habit in the area, to avoid bird droppings and damage to the adjacent automobile inventory.

The Applicant is requesting a modification of §1-19-6.400.D.2 for parking area landscaping (Exhibit #2). The Applicant has provided the required number of landscaped islands, which also complies with the spacing requirements within §1-19-6.400. The Applicant is requesting a modification in order to plant evergreen species in order to reduce any maintenance issues as discussed above with the adjacent automobile inventory. Staff supports the modification requests listed above.

Utilities: The water and sewer service is existing on site, and will be extended to the building from the existing lines. Water classification is W-3 as approved by the Board of County Commissioners on February 22, 2011, Case WS 10-10. The sewer classification is S-1. The existing well, FR-94-4502, will be abandoned by a licensed well driller or under the supervision of the Health Department.

Lighting: The Applicant is providing lighting by 7 building mounted lights, and 11, 22' pole lights at locations shown on the plan. The Applicant has noted on the plan that lighting will not exceed 0.5 ft/candles at the periphery of the site and lighting will be directional onto the site through the use of shielding and lighting orientation.

The Applicant is requesting a modification of § 1-19-6.500.B.2 for the maximum lighting height allowed for a commercial use (Exhibit #4). The Applicant is requesting an increase from the required 18' lighting pole, to a proposed 22' lighting pole height.

The Applicant states that the existing pre-owned auto facilities, as well as the adjacent new car dealership poles are 25' feet tall. The existing street lights along MD 85 and FSK Drive which surround this site on three sides are 40 ft in height.

The Applicant is requesting pole heights, which are 3 feet less than the existing and adjacent light poles, and 18 feet lower than the existing street lights. The Applicant is proposing new light poles as well as energy efficient LED fixtures and bulbs.

The height of the proposed gas dispensing area canopy is 18 feet tall, the lights under the canopy will be approximately 17 feet from the ground.

Staff supports this modification request.

Signage: The Applicant is proposing to locate a freestanding fuel pricing sign approximately 12.5 feet from the property line and within the grass area adjacent to the common access drive. The proposed signage is to be no larger than 155 square feet, which complies with §1-19-6.310 of the Zoning Ordinance. The Applicant is proposing approximately 144.68 square feet of signage. The gas pricing advertisement pylon sign does not count towards from the maximum signage allotment for this site because this sign is required by law. The proposed signage complies with all applicable code requirements.

Adequate Public Facilities Ordinance (APFO) : A Traffic Impact Analysis (TIA) was performed by The Traffic Group, Inc. on behalf of Frederick County. The critical intersections assessed included MD 85 intersections with I-70 Ramps, FSK Drive and MD 355. All three intersections were found to be operating adequately at LOS C or better during the AM and PM weekday peak hours and mid-day Saturday using 2013 traffic forecasts.

Two operational issues have arisen in consultation with SHA, involving the need for greater left turn storage on the southbound approach of FSK Drive at MD 85 and westbound MD 85 approaching MD 355. The former is being mitigated by the Applicant by lengthening the left turn lane on FSK Drive by re-striping it as shown on the site plan, and the latter can be mitigated by SHA with signal timing adjustments in the future when needed.

No Letter of Understanding is required because all off-site road and water and sewer facilities are adequate. School adequacy testing is not required for non-residential uses.

Forest Resource Ordinance (FRO): The Forest Conservation Ordinance requirements for this site were met through Department of Natural Resources review of the MD SHA Interstate 70/East Street/MD Route 85 Construction Project. Hansen #10707, # 2575, File SP-02-20.

OTHER AGENCY COMMENTS

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Approved
<i>Development Review Planning:</i>	A few minor drafting issues noted in Hansen, in addition to items listed in the report.
<i>State Highway Administration (SHA):</i>	DENIED Construct MD std. (5') sidewalk from west of northern access (tying into sidewalk on the auto dealer frontage) to corner of MD 85/FSK Drive.
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A.

FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan shall be valid for a period of three (3) years from the date of Planning Commission approval.

Staff has no objection to conditional approval of the site plan.

RECOMMENDATION

Should the Planning Commission conditionally approve this Site Plan SP # 02-20 (AP# 11706, APFO 11673 & FRO 11707) for the proposed Sheetz Convenience Store with gasoline pumping station, the motion for approval should include the following items:

1. Site plan approval for a period of three years from today's date.
2. Modifications for the following Ordinance Sections
 - a. §1-19-6.220.A Parking Space Requirements
 - b. §1-19-6.400.A Street Tree Requirements
 - c. §1-19-6.400.D.2 Parking Area Landscaping Requirements
 - d. §1-19-6.500.B.2 Lighting Height Requirements

Staff recommends that the following items be added as conditions of approval:

3. Address all agency comments as the plan proceeds through completion.
4. Note Modifications for the following Ordinance Sections on the site plan:
 - a. §1-19-6.220.A Parking Space Requirements
 - b. §1-19-6.400.A Street Tree Requirements
 - c. §1-19-6.400.D.2 Parking Area Landscaping Requirements
 - d. §1-19-6.500.B.2 Lighting Height Requirements
5. Stormwater Management Concept and Development plan shall be approved prior to final stamp and signature of site plan.

Exhibit #1 Overall Site Plan: Sheetz





FOX & ASSOCIATES, INC.

SUITE G

82 WORMAN'S MILL COURT

FREDERICK, MARYLAND 21701

PHONE: (301) 695-0880 • FAX: (301) 293-6009

E-MAIL: foxfrederick@foxassociatesinc.com

ENGINEERS•SURVEYORS•PLANNERS

April 14, 2011

Frederick County Division of Permitting and Development Review

Office of Development Review

30 North Market Street, 3rd floor

Frederick, Maryland 21701

Attn: Tolson DeSa

Planner

Re: Sheetz, 6001 B Urbana Pike

Landscape Justification

County Project # 11706

Fox Project # 10-30816

Dear Tolson:

The Site Plan for the Sheetz convenience store and gasoline dispensing pumps at 6050 Buckeystown Pike (formerly 6001 B Urbana Pike) is being submitted for county review. This letter is provided to address the justification for the type and location of street trees on the site.

Section 1-19-6.400(A) of the zoning ordinance reviews street tree requirements. One tree is required for every 35 feet of road frontage. It was discussed at the TAC meeting that MD 85 may not be a good location for trees, due to the potential to overhang the State right-of-way. The trees required for this area can be located in other areas on the site. Seven trees are required for the MD Route 85 frontage. These seven trees have been located along Francis Scott Key Drive. The seven trees include the six Dragon Lady Hollies and one Nellie Stevens Holly. Most of the Hollies are located along the back of the building to provide additional screening of the trash enclosure area. The five Emerald Green Arborvitae and five Nellie Stevens Hollies along FSK Drive are the required street trees for this roadway frontage.

It was discussed at the TAC meeting that small evergreen trees are the more desirable tree type in this situation. Large trees on the site will restrict the sight distance for transport trailer trucks accessing the site. Large trees will attract birds that will leave droppings and damage auto inventory. The previous landscape plan for the FSK Automobile Dealership approved evergreen trees for the site.

Section 1-19-6.400(D)(2) reviews parking area landscaping requirements. The trees shall be predominantly deciduous and provide 20% canopy cover at maturity. Deciduous trees create problems for nearby car inventory as discussed in the paragraph above. We have added three landscape islands in the parking area to more closely address the landscape requirement. Two islands are near the front corners of the store, and the third island is beside parking space #34.

For these reasons, we request approval of the trees as shown on the Site Plan. Thank you for your consideration. Please contact me if you need additional information.

Sincerely,

Fox & Associates, Inc.

A handwritten signature in cursive script that reads "Ross Lillard".

Ross Lillard, R.L.A.

Sheetz Convenience Store

June 8, 2011

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FOX & ASSOCIATES, INC.

SUITE G

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ENGINEERS•SURVEYORS•PLANNERS

March 10, 2011

Revised April 14, 2011

Frederick County Division of Permitting and Development Review

Office of Development Review

30 North Market Street, 3rd floor

Frederick, Maryland 21701

Attn: Tolson DeSa

Planner

Re: Sheetz, 6001 B Urbana Pike

Parking Justification

County Project # 11706

Fox Project # 10-30816

Dear Tolson:

The Site Plan for the Sheetz convenience store and gasoline dispensing pumps at 6050 Buckeystown Pike (formerly 6001 B Urbana Pike) is herewith being submitted for county review. This letter is being provided to address the justification for the number of parking spaces to exceed the maximum allowed in the district.

Section 1-19-6.220(A) of the zoning ordinance, table for parking spaces required in the Commercial Uses District, all other types of uses require 1 parking space per 300 sq. ft. of floor area. Under the Site Data on Sheet 1 of the Site Plan, the Parking computation shows the proposed Sheetz store will have 5,686 sq. ft. of floor area divided by 300 sq. ft. per space, which will require 19 parking spaces.

Sheetz has been operating many stores in the mid-Atlantic region for many years. Based on this experience, they are very familiar with their site and parking needs to provide a convenience store that meets their customer's demands. Sheetz has found they need this amount of parking for this size store in order to meet customer needs particularly during commuter time periods when their on-site visits increase. Site visits to Sheetz stores are typically brief, in the 5 to 15 minute range, and customers need sufficient parking spaces for their quick stops on the way to work. The additional parking provides some flexibility for parking space options to prevent backups and delays that would impede on-site traffic.

For these reasons, we request approval of 39 parking spaces on site for this Site Plan application.

Thank you for your consideration. Please contact me if you need additional information.

Sincerely,

Fox & Associates, Inc.

Ross Lillard, R.L.A.

Sheetz Convenience Store

June 8, 2011

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FOX & ASSOCIATES, INC.
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ENGINEERS•SURVEYORS•PLANNERS

March 10, 2011



Frederick County Division of Permitting and Development Review
Office of Development Review
30 North Market Street, 3rd floor
Frederick, Maryland 21701
Attn: County Planner

Re: Sheetz, 6001 B Urbana Pike
Light Height Justification
County Project # not assigned yet
Fox Project # 10-30816

Dear Planner:

The Site Plan for the Sheetz convenience store and gasoline dispensing pumps at 6001 B Urbana Pike is herewith being submitted for county review. This letter is being provided to address the justification for proposed pole light heights to exceed the maximum height allowed in the district.

Section 1-19-6.500(B)(2) of the zoning ordinance calls for commercial use properties to have a maximum light height of 18 ft. from the ground to the point of illumination. Sheet 3 of the Site Plan, which is the lighting plan, shows a proposed pole light detail with an overall height of 22 ft., which is a 20 ft. pole with a 2 ft. concrete base.

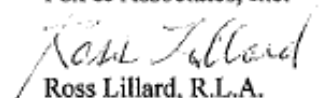
We propose this additional light height is justified for several reasons. This Sheetz site has been previously developed as the FSK Used Car site with pole lights existing on the site. The height of the existing pole lights is approximately 25 ft. The only site adjacent to this is the FSK New Car lot to the west. The existing pole light heights on this lot are also 25 ft. Three sides of the proposed Sheetz site are bordered by Francis Scott Key Drive and MD Route 85. The existing street lights on these sides are 40 ft. in height from the ground to the light fixture.

The pole lights being proposed for the Sheetz store are 3 ft. less than the existing light heights, 3 ft. less than the adjacent light heights, and 18 ft. less than the street light heights. For these reasons we request approval of the 22 ft. light height for the proposed Sheetz site. Please note, the existing lights will be removed and replaced with new light poles and energy efficient LED fixtures.

The height of the proposed gas dispensing area canopy is 18 ft. The lights under this canopy will be about 17 ft. high, which is less than the 18 ft. requested.

Thank you for your consideration. Please contact me if you need additional information.

Sincerely,
Fox & Associates, Inc.


Ross Lillard, R.L.A.

Sheetz Convenience Store

June 8, 2011

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